

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

WILLIAM E. MAPP, III,
WARREN K. PAXTON, JR.,
CALEB J. WHITE, and
SERVERGY, INC.

Defendants.

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Civ. Action No. 4:16-cv-00246

**DECLARATION OF MATTHEW T. MARTENS IN SUPPORT OF
DEFENDANT WARREN K. PAXTON, JR.'S OPPOSITION TO UNITY 12-C, LLC'S,
UNITY #9-A, LLC'S, LEGACY INCOME ROYALTY FUND'S, CYPRESS INCOME
FUND, LLC'S, AND CYPRESS INCOME FUND II, LLC'S MOTION FOR
PROTECTIVE ORDERS ON DEFENDANT WARREN K. PAXTON'S SUBPOENAS TO
PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT
INSPECTION OF PREMISES IN A CIVIL ACTION**

I, Matthew T. Martens, declare and state as follows:

1. I am an attorney licensed to practice law in the District of Columbia. I am a partner at Wilmer Cutler Pickering Hale and Dorr LLP, counsel for Warren K. Paxton, Jr. in the above-captioned case. I make this Declaration to the best of my knowledge, information, or belief and in support of Defendant Warren K. Paxton, Jr.'s Opposition to Unity 12-C, LLC's, Unity #9-A, LLC's, Legacy Income Royalty Fund's, Cypress Income Fund, LLC's, and Cypress Income Fund II, LLC's Motion for Protective Orders on

Defendant Warren K. Paxton's Subpoenas to Produce Documents, Information or Objects or to Permit Inspection of Premises in a Civil Action.

2. On January 27, 2017, I called Mr. Todd Albin, counsel for Unity Resources, LLC, Unity 12-C, LLC, Unity #9-A, LLC, Legacy Income Royalty Fund, Cypress Income Fund, LLC, and Cypress Income Fund II, LLC, to meet and confer on whether we had reached an impasse regarding the production of documents from Unity Resources, LLC to my client such that a motion to compel would be necessary.

3. During that same call, I noted that I planned to serve subpoenas on Unity 12-C, LLC, Unity #9-A, LLC, Legacy Income Royalty Fund, Cypress Income Fund, LLC, and Cypress Income Fund II, LLC. I asked Mr. Albin whether he was willing to accept service of the subpoenas by email. Mr. Albin told me that he was willing to accept service of the subpoenas by email, and noted that he would likely receive the same objections to producing documents pursuant to these subpoenas as he had for producing documents pursuant to a subpoena I had served on Unity Resources, LLC.

4. During that telephone call, Mr. Albin never mentioned filing a motion for protective orders from my subpoenas and we never discussed whether such a motion would be appropriate.

I declare under penalty of perjury that the foregoing is true and correct. Executed this day, February 27, 2017 in Washington, D.C.

Respectfully submitted,

/s/ Matthew T. Martens

Matthew T. Martens

(Lead Counsel)

D.C. Bar No. 1019099

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